

11001 House

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-213517

DATE: November 8, 1983

MATTER OF: Surgical Instrument Company
of America

DIGEST:

GAO will not review an affirmative determination of responsibility absent a showing of possible fraud or bad faith or an allegation that definitive responsibility criteria were misapplied.

Surgical Instrument Company of America protests the award of a contract to American Medical Instrument Company under request for proposals (RFP) No. DLA120-83-R-1706 issued by the Defense Logistics Agency. Surgical asserts that American is nonresponsible for various reasons. We dismiss the protest.

This Office will not review a contracting officer's determination that a prospective contractor is responsible unless the solicitation contains definitive responsibility criteria which allegedly have not been applied or there is a showing of possible fraud or bad faith on the part of the contracting officials. Keco Industries, Inc., B-204719, July 6, 1982, 82-2 CPD 16. The award of a federal contract necessarily includes a finding that the awardee is responsible. Defense Acquisition Regulation § 1-902 (1976 ed.); B.H. Aircraft Company, Inc., B-210798, April 1, 1983, 83-1 CPD 344. Since neither exception applies here, we will not consider Surgical's assertion that American is nonresponsible. B.H. Aircraft Company, Inc., supra.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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